

06-18-03 41

171



PATENT

EXPRESS CERTIFICATE OF MAILING UNDER 37 CFR 1.10I hereby certify that the *attached* correspondence comprising:

- 1). Response to Election/Restriction Requirement (4 pages)
- 2). Return postcard

is being deposited with the United States Postal Service as express mail in an envelope addressed to:

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Express Mail Certificate No. EV268204563USon June 16, 2003

Kathy Raymond

 RECEIVED
 JUN 20 2003
 TC 1700

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Lawrence W. Hrubesh, et al.	Docket No. :	IL-10624
Serial No. :	10/002,513	Art Unit :	1771
Filed :	10/25/2001	Examiner :	Jenna Leigh Befumo
For :	FIBERS AND FABRICS WITH INSULATING, WATER-PROOFING, AND FLAME-RESISTANT PROPERTIES		

RESPONSE TO ELECTION/RESTRICTION REQUIREMENTS

Commissioner for Patents
 Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed May 15, 2003, please reconsider the application identified above. Applicants previously made the election required in the Office Action mailed April 9, 2003. Applicants have now made the elections required in the Office Action mailed May 15, 2003.

Restriction Requirement in the Office Action Mailed April 9, 2003

The Restriction Requirement in the Office Action mailed April 9, 2003 restricted prosecution of the application to one of the inventions, Group I (Claims 1 - 9, drawn to a porous fiber, classified in class 427, subclass 189) or Group II (Claims 10 - 18, drawn to a method of filling a porous fiber, classified in class 427, subclass various). In the response filed by Applicants on April 15, 2003, Applicants elected the claims of group II (Claims 10 - 18, drawn to a method of filling a porous fiber, classified in class 427, subclass various) for examination.

Election/Restriction Requirement in Numbered Paragraph 2 of the Office Action Mailed May 20, 2003

In numbered paragraph 2 in the Election/Restriction Requirement of the Office Action Mailed May 20, 2003, the Examiner required Applicants to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Office Action Mailed May 20, 2003 listed the following distinct species of the claimed invention:

Spices I: a) filling the voids with a solution which precipitates particles as it dries and b) filling the voids with a solution containing a colloidal suspension of particles which remain when the liquid dries (427/434.6)

Spices II: a) filling the voids with a dry powder by passing the fibers through the powder in a manner in which the particles attach to said fibers and b) filling the voids with a dry powder by passing the powder over said fibers in a manner in which the particles attach to said fibers (427/180)

Spices III: filling the voids with a dry powder by forcing dry powder to enter the space using rollers (427/359)

Spices IV: filling the voids with a dry powder by forcing dry powder to enter the space using a press (427/369).

Response to Election/Restriction Requirement in Numbered Paragraph 2 of the Office Action Mailed May 20, 2003

In response to the election/restriction requirement in numbered paragraph 2 of the Office Action Mailed May 20, 2003, Applicants elect Spices I: a) filling the voids with a solution which precipitates particles as it dries and b) filling the voids with a solution containing a colloidal suspension of particles which remain when the liquid dries (427/434.6). As required, Applicants list the claims readable thereon as follows: claims 12, 15, and 18.

Election/Restriction Requirement in Numbered Paragraph 3 of the Office Action Mailed May 20, 2003

In numbered paragraph 3 in the election/restriction requirement of the Office Action Mailed May 20, 2003, the statement was made, "Claims 11, 14, and 17 are generic to a plurality of disclosed patentably distinct species comprising various types of particles which can be used to fill the voids in the fibers." Applicants were required to elect a single disclosed species, i.e., only one of the particle types listed.

Response to Election/Restriction Requirement in Numbered Paragraph 3 of the Office Action Mailed May 20, 2003

In response to the election/restriction requirement in numbered paragraph 3 the Office Action mailed May 20, 2003, Applicants elect "a hydrophobic silica aerogel."

Response to Numbered Paragraph 5 of the Office Action Mailed May 20, 2003

In numbered paragraph 5 of the Office Action Mailed May 20, 2003, the Examiner stated, "it is unclear how materials such as laminates of aerogel powder, or powder impregnated fabrics qualify as particles." Applicants respond that the particles are made of the listed materials.

Summary

The undersigned respectfully submits that, in view of the foregoing elections and comments, the issues raised in the Office Action mailed May 15, 2003 have been fully addressed. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,



Eddie E. Scott
Attorney for Applicant
Registration No. 25,220

Dated: June 16, 2003
Livermore, California